

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 06 2005

In re patent application of:

John P. LAMBINO, et al.

Serial No.: 09/863,103

Group Art Unit: 2116

Filed: May 22, 2001

Examiner: J. Trujillo

FOR: FIRMWARE UPGRADE USING ADDRESS CONVERSION

RESPONSE UNDER 37 C.F.R. § 1.116

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action mailed July 6, 2005, applicants provide the following remarks.

REMARKS

Claims 1-25 remain pending for reconsideration.

Applicants object to the finality of the present office action. In numbered paragraph 36, the Examiner responds, in substance, that since the updated rejection addressed the new limitations, no non-final action was necessary. This is beside the point. The point is that the office action failed to answer applicants' traversal. In the present action, in numbered paragraph 38, the Examiner offers some response to applicants' traversals. However, these traversals are the same arguments that were made in the prior response. The Examiner should have answered these traversals in the prior non-final office action. By waiting to answer these traversals until the present office action, which is final, the Examiner severely limits the applicants' ability to respond and

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